

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

2014 AUG 12 PM 2: 14

DEPUTY CLERK

TODD MICHAEL BAIRD, PRO SE,  
TDCJ-CID No. 831700,  
Previous TDCJ-CID No. 606340,

Plaintiff,

V.

2:14-CV-0160

Regional Dir. WREN HOWARD,  
Warden II BARRY MARTIN,  
Asst. Warden GREGORY DAVID,  
Asst. Warden JAMES R. BEACH, and  
Officer NFN HENDERSON,

Defendants.

## ORDER OF DISMISSAL

Plaintiff TODD MICHAEL BAIRD, acting pro se and while a prisoner incarcerated in the Texas Department of Criminal Justice, Correctional Institutions Division, has filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-named defendants employed by the Texas Department of Criminal Justice and was granted permission to proceed pursuant to Title 28, United States Code, section 1915.

On July 21, 2014, a Report and Recommendation was issued by the United States Magistrate Judge recommending dismissal of the instant cause without prejudice for failure to state a claim on which relief can be granted and with prejudice as frivolous.

No objections to the Report and Recommendation have been filed, and the response period has expired.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

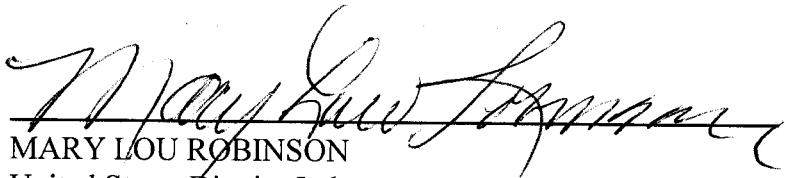
IT IS THEREFORE ORDERED that the Civil Rights Complaint by plaintiff TODD MICHAEL BAIRD is DISMISSED WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED AND WITH PREJUDICE AS FRIVOLOUS.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

It is SO ORDERED.

Signed this the 12<sup>th</sup> day of August, 2014.

  
MARY LOU ROBINSON  
United States District Judge